IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 1ST JANUARY 2007 / 11TH POUSHA, 1928

WP(Crl.).No. 294 of 2006(S)

PETITIONER:

SALIM, AGED 44 YEARS,
S/O. ASSAIN `SHANTHI', KARANTHUR DESOM,
KUNDAMANGALAM AMSOM, P.O. KARANTHOOR,KOZHIKODE.

BY ADV. SRI.M.SHAJU PURUSHOTHAMAN
SRI.K.S.RAJESH

RESPONDENTS:
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1. S.I. OF POLICE,
MEDICAL COLLEGE POLICE STATION, KOZHIKODE.

2. THE C.I. OF POLICE,
MEDICAL COLLEGE POLICE STATION, KOZHIKODE.

3. THE COMISSIONER OF POLICE, KOZHIKODE.

4. SHANOOP, S/O. ALIKOYA,
KALATHINGAL HOUSE, NADUVATTOM POST, KOZHIKODE.

5. SHABAB, S/O. MOIDEENKOYA,
`SHAMIZ', NORTH BEYPORE P.O., KOZHIKODE.

6. BIJU,
SREEKALA, NADUVATTOM POST, KOZHIKODE.

R1 TO R3 BY G.P.SRI.P.A.SALIM
ADDL.D.G.P.P.SRI.V.K.MOHANAN
R4 BY ADV. SRI.A.SUDHI VASUDEVAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 01/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(Crl)294/2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF THE BIRTH CERTIFICATE ISSUED BY THE CORPORATION OF CALICUT.

RESPONDENTS' EXHIBITS:

EXT.R4(a): TRUE COPY OF THE MARRIAGE CERTIFICATE DATED 11.12.2006 ISSUED BY T.S.NASIRUDHEEN MOULAVI, IMAM, AL-ANSAR JUMA MASJID MATTATHOOR, KODAKARA, THRISSUR.

// true copy //

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J.B.KOSHY & K.P.BALACHANDRAN,JJ.

W.P.(Crl.)No.294 OF 2006

Dated 1st January, 2007

JUDGMENT

Koshy,J.

Petitioner as well as fourth respondent were present. Fourth respondent produced the alleged detenue, daughter of the petitioner. It is submitted that, as per the certificates, she will attain the age of 18 years only after four months. The alleged detenue submitted that she is not under illegal custody and she has married fourth respondent. Original of the certificate issued by Imam Al-Ansar Juma Masjid, Mattathoor, Kodakara, Thrissur was produced to show that the alleged detenue married the fourth respondent on 11.12.2006. It is also submitted by the girl that they are living together as husband and wife from that date. Even though she has not completed the age of 18, she has crossed the age of consent (16). Since she submitted that she is not under illegal custody, the habeas corpus petition is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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